

AMENDMENT NO. _____ Calendar No. _____

Purpose: To gather information about the illicit production of illicit fentanyl in foreign countries and to withhold bilateral assistance from countries that do not have emergency scheduling procedures for new illicit drugs or cannot prosecute criminals for the manufacture or distribution of controlled substance analogues.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

H. R. 4350

To authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. TOOMEY (for himself and Ms. HASSAN) to the amendment (No. 3867) proposed by Mr. REED

Viz:

1 At the end of subtitle B of title X, add the following:

2 **SEC. 1013. BLOCKING DEADLY FENTANYL IMPORTS.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Blocking Deadly Fentanyl Imports Act”.

5 (b) **DEFINITIONS.**—Section 481(e) of the Foreign As-
6 sistance Act of 1961 (22 U.S.C. 2291(e)) is amended—

7 (1) in paragraph (2)—

1 (A) in the matter preceding subparagraph

2 (A), by striking “in which”;

3 (B) in subparagraph (A), by inserting “in

4 which” before “1,000”;

5 (C) in subparagraph (B)—

6 (i) by inserting “in which” before

7 “1,000”; and

8 (ii) by striking “or” at the end;

9 (D) in subparagraph (C)—

10 (i) by inserting “in which” before

11 “5,000”; and

12 (ii) by inserting “or” after the semi-

13 colon; and

14 (E) by adding at the end the following:

15 “(D) that is a significant source of illicit

16 synthetic opioids significantly affecting the

17 United States;”; and

18 (2) in paragraph (4)—

19 (A) in subparagraph (C), by striking

20 “and” at the end; and

21 (B) by adding at the end the following:

22 “(E) assistance that furthers the objectives

23 set forth in paragraphs (1) through (4) of sec-

24 tion 664(b) of the Foreign Relations Authoriza-

1 tion Act, Fiscal Year 2003 (22 U.S.C. 2151n–
2 2(b));

3 “(F) assistance to combat trafficking au-
4 thorized under the Victims of Trafficking and
5 Violence Protection Act of 2000 (22 U.S.C.
6 7101 et seq.)); and

7 “(G) global health assistance authorized
8 under sections 104 through 104C of the For-
9 eign Assistance Act of 1961 (22 U.S.C. 2151b
10 through 22 U.S.C. 2151b–4).”.

11 (c) INTERNATIONAL NARCOTICS CONTROL STRAT-
12 EGY REPORT.—Section 489(a) of the Foreign Assistance
13 Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding
14 at the end the following:

15 “(10) A separate section that contains the fol-
16 lowing:

17 “(A) An identification of the countries, to
18 the extent feasible, that are the most significant
19 sources of illicit fentanyl and fentanyl analogues
20 significantly affecting the United States during
21 the preceding calendar year.

22 “(B) A description of the extent to which
23 each country identified pursuant to subpara-
24 graph (A) has cooperated with the United
25 States to prevent the articles or chemicals de-

1 scribed in subparagraph (A) from being ex-
2 ported from such country to the United States.

3 “(C) A description of whether each country
4 identified pursuant to subparagraph (A) has
5 adopted and utilizes scheduling or other proce-
6 dures for illicit drugs that are similar in effect
7 to the procedures authorized under title II of
8 the Controlled Substances Act (21 U.S.C. 811
9 et seq.) for adding drugs and other substances
10 to the controlled substances schedules;

11 “(D) A description of whether each coun-
12 try identified pursuant to subparagraph (A) is
13 following steps to prosecute individuals involved
14 in the illicit manufacture or distribution of con-
15 trolled substance analogues (as defined in sec-
16 tion 102(32) of the Controlled Substances Act
17 (21 U.S.C. 802(32)); and

18 “(E) A description of whether each coun-
19 try identified pursuant to subparagraph (A) re-
20 quires the registration of tableting machines
21 and encapsulating machines or other measures
22 similar in effect to the registration require-
23 ments set forth in part 1310 of title 21, Code
24 of Federal Regulations, and has not made good
25 faith efforts, in the opinion of the Secretary, to

1 improve regulation of tableting machines and
2 encapsulating machines.”.

3 (d) WITHHOLDING OF BILATERAL AND MULTILAT-
4 ERAL ASSISTANCE.—

5 (1) IN GENERAL.—Section 490(a) of the For-
6 eign Assistance Act of 1961 (22 U.S.C. 2291j(a)) is
7 amended—

8 (A) in paragraph (1), by striking “or coun-
9 try identified pursuant to clause (i) or (ii) of
10 section 489(a)(8)(A) of this Act” and inserting
11 “country identified pursuant to section
12 489(a)(8)(A), or country thrice identified dur-
13 ing a 5-year period pursuant to section
14 489(a)(10)(A)”;

15 (B) in paragraph (2), by striking “or
16 major drug-transit country (as determined
17 under subsection (h)) or country identified pur-
18 suant to clause (i) or (ii) of section
19 489(a)(8)(A) of this Act” and inserting “,
20 major drug-transit country, country identified
21 pursuant to section 489(a)(8)(A), or country
22 thrice identified during a 5-year period pursu-
23 ant to section 489(a)(10)(A)”.

24 (2) DESIGNATION OF ILLICIT FENTANYL COUN-
25 TRIES WITHOUT SCHEDULING PROCEDURES.—Sec-

1 tion 706(2) of the Foreign Relations Authorization
2 Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(2)) is
3 amended—

4 (A) in the matter preceding subparagraph
5 (A), by striking “also”;

6 (B) in subparagraph (A)(ii), by striking
7 “and” at the end;

8 (C) by redesignating subparagraph (B) as
9 subparagraph (D);

10 (D) by inserting after subparagraph (A)
11 the following:

12 “(B) designate each country, if any, identi-
13 fied under section 489(a)(10) of the Foreign
14 Assistance Act of 1961 (22 U.S.C.
15 2291h(a)(10)) that has failed to adopt and uti-
16 lize scheduling procedures for illicit drugs that
17 are comparable to the procedures authorized
18 under title II of the Controlled Substances Act
19 (21 U.S.C. 811 et seq.) for adding drugs and
20 other substances to the controlled substances
21 schedules;” and

22 (E) in subparagraph (D), as redesignated,
23 by striking “so designated” and inserting “des-
24 ignated under subparagraph (A), (B), or (C)”.

1 (3) DESIGNATION OF ILLICIT FENTANYL COUN-
2 TRIES WITHOUT ABILITY TO PROSECUTE CRIMINALS
3 FOR THE MANUFACTURE OR DISTRIBUTION OF
4 FENTANYL ANALOGUES.—Section 706(2) of the For-
5 eign Relations Authorization Act, Fiscal Year 2003
6 (22 U.S.C. 2291j–1(2)), as amended by paragraph
7 (2), is further amended by inserting after subpara-
8 graph (B) the following:

9 “(C) designate each country, if any, identi-
10 fied under section 489(a)(10) of the Foreign
11 Assistance Act of 1961 (22 U.S.C.
12 2291h(a)(10)) that has not taken significant
13 steps to prosecute individuals involved in the il-
14 licit manufacture or distribution of controlled
15 substance analogues (as defined in section
16 102(32) of the Controlled Substances Act (21
17 U.S.C. 802(32));”.

18 (4) LIMITATION ON ASSISTANCE FOR DES-
19 IGNATED COUNTRIES.—Section 706(3) of the For-
20 eign Relations Authorization Act, Fiscal Year 2003
21 (22 U.S.C. 2291j–1(3)) is amended by striking “also
22 designated under paragraph (2) in the report” and
23 inserting “designated in the report under paragraph
24 (2)(A) or thrice designated during a 5-year period in

1 the report under subparagraph (B) or (C) of para-
2 graph (2)”.

3 (5) EXCEPTIONS TO THE LIMITATION ON AS-
4 SISTANCE.—Section 706(5) of the Foreign Relations
5 Authorization Act, Fiscal Year 2003 (22 U.S.C.
6 2291j–1(5)) is amended—

7 (A) by redesignating subparagraph (C) as
8 subparagraph (F);

9 (B) by inserting after subparagraph (B)
10 the following:

11 “(C) Notwithstanding paragraph (3), as-
12 sistance to promote democracy (as described in
13 section 481(e)(4)(E) of the Foreign Assistance
14 Act of 1961 (22 U.S.C. 2291(e)(4)(E))) shall
15 be provided to countries identified in a report
16 under paragraph (1) and designated under sub-
17 paragraph (B) or (C) of paragraph (2), to the
18 extent such countries are otherwise eligible for
19 such assistance, regardless of whether the
20 President reports to the appropriate congres-
21 sional committees in accordance with such para-
22 graph.

23 “(D) Notwithstanding paragraph (3), as-
24 sistance to combat trafficking (as described in
25 section 481(e)(4)(F) of such Act) shall be pro-

vided to countries identified in a report under paragraph (1) and designated under subparagraph (B) or (C) of paragraph (2), to the extent such countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph.

“(E) Notwithstanding paragraph (3), global health assistance (as described in section 481(e)(4)(G) of such Act) shall be provided to countries identified in a report under paragraph (1) and designated under subparagraph (B) or (C) of paragraph (2), to the extent such countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph”; and

(C) in subparagraph (F), as redesignated, by striking “section clause (i) or (ii) of” and inserting “clause (i) or (ii) of section”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.